



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
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ATLANTA, GEORGIA 30303-8960

February 20, 2014

Ms. Mallecia A. Sutton, Acting Branch Chief
Environmental Projects Branch 1
Division of New Reactor Licensing
Office of New Reactors
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

RE: EPA Review and Comments
Final Environmental Impact Statement (FEIS) for the
William States Lee III Nuclear Station Units 1 and 2
Combined Licenses (COLs) Application,
Constructing and Operating Two New Nuclear Units
at the Lee Nuclear Station Site, NUREG-2111
CEQ No. 20130379

Dear Ms. Sutton:

The U.S. Environmental Protection Agency (EPA) has reviewed the Final Environmental Impact Statement (FEIS) for the William States Lee III Nuclear Station Units 1 and 2 Combined Licenses (COLs) Application, Constructing and Operating Two New Nuclear Units at the Lee Nuclear Station Site, pursuant to Section 102(2)(C) of the National Environmental Policy Act (NEPA), and Section 309 of the Clean Air Act. We appreciate your continued coordination with us, and your responses to our comments on the Draft Environmental Impact Statement (DEIS), which are included in Appendix E of the FEIS. The purpose of this letter is to inform you of the results of our review.

Duke Energy Carolinas, LLC (Duke) applied for combined construction permits and operating licenses (combined licenses or COLs) for William States Lee III Nuclear Station Units 1 and 2 in Cherokee County, South Carolina. The U.S. Army Corps of Engineers (USACE), a cooperating agency, worked with the Nuclear Regulatory Commission (NRC) in preparation of the DEIS and FEIS. The USACE and NRC will issue separate decision documents: the USACE will issue a Record of Decision (ROD), and the NRC will issue a license, if the Commission accepts the NRC review team's recommendations.

The proposed actions are: NRC issuance of COLs for two new nuclear power reactor units (Units 1 and 2) at the site in Cherokee County, SC, and a USACE permit action on a Department of the Army individual 404 permit application to perform certain construction activities on the site.

We reviewed your responses to our previous comments on the DEIS, and we appreciate your responsiveness to our comments. Based on our review of the FEIS, some environmental concerns remain that will need to be addressed as the project progresses. Specifically, storage and disposition of radioactive waste is an area of particular concern for all nuclear power plants. The EPA recently commented on the NRC's Waste Confidence Draft Generic Environmental Impact Statement regarding the pending update to the Waste Confidence rule. The EPA's comment letter was submitted to the NRC on January 15, 2014. The FEIS notes that *"Upon issuance of the Final Rule, the NRC staff will identify any changes between the proposed and final rules; assess the significance of the changes; and, if necessary, perform additional NEPA reviews prior to the final licensing decision for Lee Nuclear Station Units 1 and 2."*

The FEIS (Appendix E, page E-139) states that *"The applicant does not have plans at this time to construct and operate an independent spent fuel storage installation (ISFSI), and will rely on the available internal capacity to store spent fuel provided by the AP1000 certified design."* Given the uncertainty regarding the availability of a repository, on-site storage may continue for an indefinite time period.

The FEIS addresses the radiological environmental monitoring program (REMP), which is not yet in place for the Lee Nuclear Station, (Section 5.9.6, page 5-86). All of the media to be sampled and monitored are addressed in this section. It states that a preoperational REMP would sample various media in the environment to determine a baseline from which to observe the magnitude and fluctuation of radioactivity in the environment once the units begin operation. However, a time period for preoperational monitoring is not specified. It is recommended that at least 5 years of preoperational data be obtained to measure the impacts of Lee Nuclear Station on the ambient environment.

Other areas to be addressed as the project progresses include the development of the REMP, transmission line impacts, and socioeconomic impacts. We recommend continued communication between the project team and the local community and Environmental Justice populations regarding community impacts, mitigation, and emergency preparedness. We also note that the NPDES permit for this facility (SC0049140) was issued on July 17, 2013. The permit included detailed language regarding the company's alternative requirements for the Cooling Water Intake Structure (CWIS) and all waters of the US at the site.

The FEIS notes that some impacts (such as traffic and construction activities) would be temporary. The FEIS also discusses possible future impacts, such as the potential for decrease in the future water supply of the Broad River Basin, and that some resources, including terrestrial habitat and aquatic biota, would be noticeably altered, but not destabilized, (Table 7-4). Impacts should be avoided or minimized to the extent possible, and unavoidable impacts should be mitigated.

Thank you for the opportunity to comment on this FEIS. We appreciate your continued coordination with us.

Please send us a copy of the ROD when it becomes available. If you have questions, please contact Ramona McConney of my staff at (404) 562-9615.

Sincerely,

Ntale Kajumba For

Heinz J. Mueller, Chief
NEPA Program Office
Office of Environmental Accountability

Cc: Patricia Vokoun, U.S. Nuclear Regulatory Commission
Richard Darden, U.S. Army Corps of Engineers